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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,404	07/18/2006	Jin Li	USP3292C/SZ118-SZZ	2574
30265 7590 08/20/2009 DAVID AND RAYMOND PATENT FIRM 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER SANTIAGO, MARICELI	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 08/20/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,404	<b>Applicant(s)</b> LI, JIN	
	<b>Examiner</b> Mariceli Santiago	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/26/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Amendment***

Receipt of the Amendment, filed on May 26, 2009, is acknowledged.

Cancellation of claims 1-9 has been entered.

Claims 10-18 are pending in the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kling (US 6,175,197).

Regarding claim 10, Kling discloses a magnetic light, comprising: an air-filled light body (10) having an inner cavity, at least a through slot defined on said inner cavity, and a fluorescent layer coated onto said inner cavity (Column 3, lines 56-57), a glass tube (72) communicated with said inner cavity for storing a predetermined amount of mercury (104, amalgam<sup>1</sup>) and a magnetic body (22) positioned in said through slot of said inner cavity, and is arranged to generate high frequency resonance with said fluorescent layer.

The recitation “so as to allow said fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability” is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed element is intended to be employed does not differentiate the

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<sup>1</sup> an alloy of mercury with another metal or metals.

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claimed element from a prior art structure satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Regarding claim 13, Kling discloses a magnetic light wherein said light body has a through slot disposed at one end of said light body (Fig. 1).

Regarding claim 15, Kling discloses a magnetic light wherein said light body is selected from a group consisting of round shape body, oblate shape body, rectangle shape body, cylinder shape body, elliptical shape body, flat panel body, ring shape body and tubular shape body (Fig. 1).

Regarding claim 17, Kling discloses a magnetic light wherein said through slot is selected from a group consisting of light body is selected from a group consisting of round shape slot, oblate shape slot, rectangle shape slot, and polygonal shape slot (Fig. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (JP 2003-109547 A) in view of Kling (US 6,175,197).

Regarding claim 10, Yamamoto discloses a magnetic light, comprising: an air-filled light body (1) having an inner cavity, at least a through slot (5a) defined on said inner cavity, and a fluorescent layer coated onto said inner cavity (¶[0019]), and a magnetic body (2a) positioned in said through slot of said inner cavity, and is arranged to generate high frequency resonance with said fluorescent layer.

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The recitation “so as to allow said fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability” is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed element is intended to be employed does not differentiate the claimed element from a prior art structure satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Yamamoto fails to exemplify the limitation of a glass tube communicated with said inner cavity for storing a predetermined amount of mercury. Kling discloses a magnetic light which is further provided with a glass tube (72) in communication with an inner cavity of an air-filled light body (12), the glass tube (72) is provided with an amalgam (104) in order to control the mercury vapor pressure during operation of the lamp. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the glass tube and amalgam assembly as disclosed by Kling in order to control the mercury vapor pressure during operation of the lamp.

Regarding claim 13, Yamamoto discloses a magnetic light wherein said light body has a through slot (6b) disposed at one end of said light body (Fig. 5).

Regarding claim 14, Yamamoto discloses a magnetic light wherein said light body has a pair of through slots respectively disposed at opposite ends of said light body (Fig. 3).

Regarding claim 15 and 16, Yamamoto discloses a magnetic light wherein said light body is selected from a group consisting of round shape body, oblate shape body, rectangle shape body, cylinder shape body, elliptical shape body, flat panel body, ring shape body and tubular shape body (Fig. 1).

Regarding claims 17 and 18, Yamamoto discloses a magnetic light wherein said through slot is selected from a group consisting of light body is selected from a group consisting of round shape slot, oblate shape slot, rectangle shape slot, and polygonal shape slot (Fig. 1).

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Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (JP 2003-109547 A) in view of Tokawa (JP 03-030238 A).

Regarding claim 10, Yamamoto discloses a magnetic light, comprising: an air-filled light body (1) having an inner cavity, at least a through slot (5a) defined on said inner cavity, and a fluorescent layer coated onto said inner cavity ([0019]), and a magnetic body (2a) positioned in said through slot of said inner cavity, and is arranged to generate high frequency resonance with said fluorescent layer.

The recitation “so as to allow said fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability” is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed element is intended to be employed does not differentiate the claimed element from a prior art structure satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Yamamoto fails to exemplify the limitation of a glass tube communicated with said inner cavity for storing a predetermined amount of mercury. Tokawa discloses a magnetic light which is further provided with a glass tube (23, Fig. 1) in communication with an inner cavity of an air-filled light body (20), the glass tube (23) is provided with an amalgam (24) which controls the mercury vapor pressure during operation of the lamp. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the glass tube and amalgam assembly as disclosed by Tokawa in order to control the mercury vapor pressure during operation of the lamp.

Regarding claim 12, Yamamoto fails to exemplify the light body further comprises an air guiding tube. Tokawa discloses a magnetic light wherein said light body further comprises an air guiding tube (25, Fig. 1) which provides an exhaust port for filling and evacuating the airtight body. Thus, it would have been obvious at the time the invention was made to a person having

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ordinary skills in the art to incorporate the air guiding tube as disclosed by Tokawa in the device of Yamamoto in order to provide an exhaust port for filling and evacuating the airtight body.

Claims 10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (JP 2003-109547 A) in view of Borowiec (EP 646941 A1).

Regarding claim 10, Yamamoto discloses a magnetic light, comprising: an air-filled light body (1) having an inner cavity, at least a through slot (5a) defined on said inner cavity, and a fluorescent layer coated onto said inner cavity (¶¶[0019]), and a magnetic body (2a) positioned in said through slot of said inner cavity, and is arranged to generate high frequency resonance with said fluorescent layer.

The recitation “so as to allow said fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability” is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed element is intended to be employed does not differentiate the claimed element from a prior art structure satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Yamamoto fails to exemplify the limitation of a glass tube communicated with said inner cavity for storing a predetermined amount of mercury. Borowiec discloses a magnetic light (Fig. 3) which is further provided with a glass tube (52) in communication with an inner cavity of an air-filled light body (12), the glass tube (52) is provided with an amalgam (34) in order to control the mercury vapor pressure during operation of the lamp, furthermore, the glass tube is extended into said inner cavity in order to control position of the amalgam within the inner cavity thus providing better operating temperature control of the amalgam. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the glass tube and amalgam assembly as disclosed by Boroweic in order to control

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the mercury vapor pressure during operation of the lamp and position of the amalgam within the inner cavity.

### ***Response to Arguments***

Applicant's arguments with respect to claims 10-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

The rejections above rely on the references for all the teachings expressed in the text of the references and/or one of ordinary skill in the art would have reasonably understood or implied from the texts of the references. To emphasize certain aspects of the prior art, only specific portions of the texts have been pointed out. Each reference as a whole should be reviewed in responding to the rejection, since other sections of the same reference and/or



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various combinations of the cited references may be relied on in future rejections in view of amendments.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mariceli Santiago/

Primary Examiner, Art Unit 2879